

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Daniel C. Bordeaux,
1303 Raptor Drive
Hanahan, SC 29406

SCDOI File Number 125490

**Default Order Revoking
ALL LICENSING PRIVILEGES**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (2004), by the State of South Carolina Department of Insurance upon Daniel Bordeaux, d/b/a, Busters Bail Bonding LLC, by both certified mail, return receipt requested, and by regular mail on July 7, 2005.

That letter informed the above named respondent of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a surety bail bondsman within the State of South Carolina. Despite that warning, Mr. Bordeaux failed to respond to the Department's letter. On September 20, 2005, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a surety bail bondsman within the State of South Carolina, Daniel Bordeaux failed to pay an amount of at least \$11,500 dollars in Bond Forfeitures to Charleston County Clerk of Court.

Section 38-53-150 of the South Carolina Code of Administrative Laws provides the Director or his designee "may revoke or suspend all licensing privileges after ten day's notice: "when it appears that a surety bail bondsman or agency...has violated this title or any regulation promulgated by the department." This Code Section goes on within Subsection (A)(9) to address: "failure to pay any judgment or decree rendered on any forfeited undertaking in any Court of competent jurisdiction." Moreover, § 38-53-150(A)(8) clearly stipulates: "when in the judgment of the director or his designee, the licensee has in the conduct of his affairs under the license demonstrated incompetence or untrustworthiness, that he is no longer in good faith carrying on the bail bonds business..."

In accordance with my findings of fact, and considering respondent's failure to repay the owed Bond Forfeitures to the Charleston County Clerk of Court, or to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he

violated S.C. Code Ann. § 38-53-150 (Supp. 2004) and that all his licensing privileges, as well as those of his business, should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3)(2004), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the licensing privileges of Daniel C. Bordeaux, d/b/a, Busters Bail Bonding LLC, to do business as resident surety bail bondsman within the State of South Carolina, be, and are hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which the respondent is currently licensed, through the State of South Carolina Department of Insurance, as resident surety bail bondsman within the State of South Carolina.

This order becomes effective as of the date of my signature below.



Eleanor Kitzman
Director

September 20, 2005, at
Columbia, South Carolina

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Daniel C. Bordeaux, d/b/a Busters Bail
Bonding, LLC
1303 Raptor Drive
Hanahan, SC 29406

SCDOI File Number: 125490

Affidavit of Default

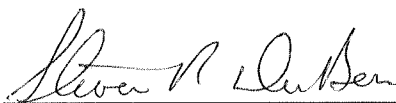
Personally appeared before me John B. O'Neal III, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Daniel Bordeaux, at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." The Notice further informed Mr. Bordeaux of his opportunity, **within thirty days**, to request in writing a public hearing.

The Department mailed the Notice by certified mail, return receipt requested, and by regular mail, on or about July 7, 2005. The United States Postal Service attempted delivery on at least 7 separate occasions, to no avail. Our Department's letter was returned to us unopened.

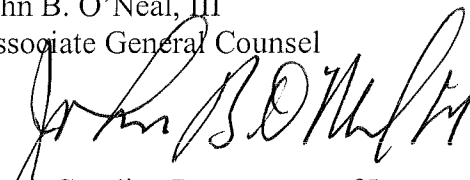
Daniel Bordeaux has made no request for a public hearing, nor provided any other response to the Department's letter. Respondent has also failed to provide our Department with a current address. The time in which to do so has expired. He is now in default.

Sworn to and subscribed before me
this 10 day of September, 2005.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: August 14, 2008 May 10, 2009

John B. O'Neal, III
Associate General Counsel



South Carolina Department of Insurance
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